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Institutional Innovation in Argentina since 1983: for Presidential Elections, Runoff with a Reduced Threshold[1]

Innovación institucional en Argentina desde 1983: para las elecciones presidenciales, segunda vuelta con umbral reducido

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Abstract: Whereas in recent decades most Latin American countries adopted a runoff rule that requires a majority of the vote for victory in the presidential election, Argentina adopted a runoff rule with a reduced threshold (45 percent or 40 percent plus a 10-point lead). This research note argues that Argentina's rule successfully prevented the election in 2003 of a president with very scant support and a potentially very serious legitimacy deficit. However, the reduced threshold voided a runoff that would have been advantageous for presidential legitimacy in 1999. Further, although the reduced threshold constrained party-system fragmentation in Argentina, it also advantaged a longstanding political party with authoritarian proclivities and impeded the emergence of new parties that might have been valuable for the country's democracy.

Keywords: Electoral Rules – Runoff – Runoff with a Reduced Threshold – Argentina

Resumen: *Mientras que en las últimas décadas la mayoría de los países latinoamericanos adoptaron una regla de segunda vuelta que exige la mayoría de los votos para la victoria en las elecciones presidenciales, Argentina adoptó una regla de segunda vuelta con un umbral reducido (45% o 40% más una ventaja de 10 puntos). Esta nota de investigación sostiene que la regla argentina impidió con éxito la elección en 2003 de un presidente con un apoyo muy escaso y un déficit de legitimidad potencialmente muy grave. Sin embargo, el umbral reducido anuló una segunda vuelta que habría sido ventajosa para la legitimidad presidencial en 1999. Además, aunque el umbral reducido limitó la fragmentación del sistema de partidos en Argentina, también favoreció a un partido político de larga tradición con tendencias autoritarias e impidió la aparición de nuevos partidos que podrían haber sido valiosos para la democracia del país.*

Palabras claves: *Reglas Electorales – Segunda vuelta – Segunda vuelta con umbral reducido – Argentina*

1. Introduction

After Argentina democratized in 1983, it initiated a spectrum of important institutional reforms; one of these reforms, adopted in 1994, was a rule for runoff with a reduced threshold for presidential elections. The rule replaced plurality (first-past-the post, or victory to the candidate

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with the most votes, regardless of the percentage) via an electoral college. This research note argues that runoff was favorable for Argentina's democracy. A key goal of runoff is to prevent the election of a president without broad support and this article indicates that this goal was indeed achieved in Argentina's 2003 and 2015 elections.

However, whereas most Latin American countries adopted a threshold of "majority runoff" —50 percent plus one vote for victory in the first round of the elections— Argentina reduced the threshold to 45 percent or 40 percent plus a 10-point lead. Argentina's lower threshold has been appealing to other Latin American countries. The two countries that most recently adopted or modified a runoff rule —Bolivia in 2009 and Ecuador in 1998— chose a 40 percent threshold with a 10-point lead. In addition, a reduced threshold has been in place since 1936 in Costa Rica and was used for one election in Nicaragua.

This research note asks: Could Argentina's reduced threshold represent a "sweet spot" between plurality and runoff? Although the goal of runoff is to prevent presidential legitimacy deficits, runoff exacerbates the problem of party-system fragmentation. I indicate here that Argentina's reduced threshold did indeed limit party-system fragmentation — but at the costs of both considerable advantage for a long-standing political party with authoritarian proclivities (usually called the Peronists) and of one elected president (Fernando de la Rúa in 1999) with a serious legitimacy deficit—.

Did the benefits of the reduced threshold outweigh the costs? It is difficult to judge. In both the Varieties of Democracy and Freedom House indices, levels of democracy have fallen in most Latin American countries in recent years, but Argentina's level has remained considerably above the regional average —in fourth place behind Uruguay, Chile, and Costa Rica (V-Dem Institute, 2023: 40-44; Gorokhovskaia, Shabaz and Slipowitz, 2023: 108-109)—. Argentina's average 1983-2022 level of democracy was better than the country's historical record; Argentina's average Polity score for 1900-1977 was only middling for Latin American countries (Pérez-Liñán and Mainwaring, 2013: 381). However, like Uruguay and Chile, Argentina is relatively wealthy and well-educated, without vast ethnic cleavages, and it could be argued alternatively that its recent record was somewhat disappointing. Further, of course, levels of democracy are affected by many factors, including many distinct institutions and electoral rules.

The final section of this research note puts Argentina's experience with runoff with a reduced threshold in comparative perspective. It finds that the pattern of effects in Argentina is not refuted by the pattern in

the two Latin American countries that have applied the rule for more than fifteen years, Costa Rica and Ecuador (although also not fully confirmed).

2. Theoretical Framework and Research Methodology

There is considerable scholarly debate about the advantages and disadvantages of runoff. Traditionally, most scholars, including Juan J. Linz (1994), Mark Jones (1995), Aníbal Pérez-Liñán (2006), and Arturo Valenzuela (1993), have favored plurality. More recently, however, various scholars, including Josep Colomer (2004), Rafael Martínez (2004), and Cynthia McClintock (2018) have favored runoff.

Scholars' primary concern about runoff has been that it catalyzes a larger number of parties, which in turn is feared to endanger democracy (Mainwaring and Shugart, 1997b: 467-468; Shugart and Carey, 1992: 212; Tanaka, 2005: 127). Indeed, the evidence is overwhelming that runoff is correlated with a larger number of parties (Jones, 1995: 90; Mainwaring and Shugart, 1997a: 405-407; McClintock, 2018: 31). Scholars concur that plurality favors a predominant party with a robust political base and penalizes new parties —reducing party fragmentation (Novaro, 2004; Van de Walle, 2006: 88-89)—. Runoff lowers barriers to entry because, in a first round, citizens can vote more sincerely for a candidate whom they like, whereas under plurality they must vote strategically for the candidate whom they think has a chance to win whom they prefer (Norris, 2004: 49; Riker, 1992: 214-215). Usually, a new party is not strong, and must have sincere votes to win. Also, the two different "stages" of the election —the first round and the runoff— provide an advantage for smaller, up-and-coming parties; they gain visibility and, for the runoff, can decide whether or not to make an endorsement (Jones, 1995: 92-93; Linz, 1994: 21-22; Negretto, 2007: 221).

However, it is not at all clear that, in turn, a larger number of parties endangers democracy. McClintock (2018: 31-33) found that a larger number of parties was not a statistically significant predictor of inferior levels of democracy; the key reason was that, under plurality, the number of parties was larger than expected (almost 3.0 parties rather than the approximate 2.0 expected by plurality advocates). Most plurality advocates acknowledge that, under plurality, three or more parties is dangerous, risking the election of presidents without broad popular support; they argue that this event is rare (Jones, 1995: 187-188; Mainwaring and

Shugart, 1997b: 468; Shugart and Carey, 1992: 216; Shugart and Taagepera, 1994: 343).

Concomitantly, the most important advantage of runoff is broad popular support for the president. Both Martínez (2004: 541-561) and McClintock (2018: 39-44) argue that majority support for the elected president is fundamental to the legitimacy of the democratic government. While McClintock acknowledges that legitimacy is a poorly developed concept, she contends that a president unlikely or uncertain to have won a majority of the vote suffers a "legitimacy deficit". She points to the many references to legitimacy deficits in scholarly explanations for the military coups in Brazil in 1964, Peru in 1962, Argentina in 1966, Ecuador in 1968, and Chile in 1973.

For example, in the case of Argentina, scholars regularly noted that the president elected in 1963, Arturo Illia of the Unión Cívica Radical del Pueblo (Radical Civic Union of the People) tallied "only" 25% (Snow and Manzetti, 1993: 22), "just" 25% (Wynia, 1986: 129), a "mere" 25% (Rock, 1985: 344) or a "scant" 25% (McGuire, 1995: 215). Stated Wynia: "[Illia's] small plurality invited complaints of *illegitimacy* [italics mi throughout his tenure" (1986: 129-130,). Radical leaders in particular believed that Illia's low percentage of the vote and dubious legitimacy posed challenges for his presidency and factored into the 1966 military coup[2].

This research note draws significantly from REDACTED. It includes information from a spectrum of sources that are described here rather than below in order to prevent repetition. Parties' electoral tallies are readily available, including from each country's electoral commission. The "number of political parties" variable is calculated through the index developed by Murkku Laakso and Rein Taageera (1979) and drawn for 1978-2006 from Payne, Zovatto, and Mateo Díaz (2007: Appendix 3); for 2007-2011, from the Nils-Christian Bormann and Matt Golder dataset available www.v-dem.net; for 2011-2016 from Election Resources at www.electionresources.org; for 2019 for Argentina, my own calculation. A great deal of the information about predictions for the likely results of runoffs, party alliances and endorsements, and candidates' biographies is drawn from the *Latin American Weekly Report* and *Latin American Regional Report*. These publications are cited as LAWR and LARR respectively. Published by Latin American Newsletters, these reports provide consistent weekly and monthly information and are increasingly used

[2] Author's interview, Paula Alonso, Professor of History, George Washington University, January 13, 2014, in Washington D.C.

by scholars (Mainwaring and Pérez-Liñán, 2013; Negretto (2006). The predictions about the likely results of runoffs are particularly valuable because such predictions are rare in scholarly work and, in contrast to newspaper articles and most journalistic sources, considerable consistency can be expected.

3. Argentina's Traditional Political Parties and the Adoption of Runoff with a Reduced Threshold

At the time of Argentina's return to democracy in 1983, its two long-standing parties, the Unión Cívica Radical (Radical Civic Union, UCR, often called the Radical party) and the Justicialista Party (PJ, often called the Peronist party), remained dominant.

The UCR was founded in 1891 and was one of the oldest leading parties in Latin America. It was the first to demand free and fair elections and universal male suffrage in the late nineteenth century and won presidential elections in 1916, 1958, and 1963—as well as the first election after the return to democracy in 1983. The party's 1983 victory signaled Argentines' desire for democratic governance after the military government's massive human-rights abuses; its president was Raúl Alfonsín, a human-rights lawyer.

The PJ was founded in 1944 by Colonel Juan Domingo Perón. A former minister of labor, Perón was elected president in 1946 and re-elected in 1952; he enjoyed intense support within Argentina's labor movement. However, in 1956, after Argentina's economy became troubled and Perón began to violate democratic norms, he fell to a military coup; Perón was exiled and the PJ prohibited from electoral competition. Yet, the party retained considerable support, and, in 1989, after severe economic crisis and military rebellions during the Alfonsín government, the PJ returned to the presidency.

For most analysts, the authoritarian origins of the PJ have not been overcome even in the twenty-first century. Commented Michael Reid in 2015: "[Peronist] exercise of power is characterised by the strong leader and control of the Argentine street. Almost all Peronist presidents have concentrated power in their own hands" (The Economist, 2015). Stated Leslie Anderson: "[The Peronist Party] began as an authoritarian, verticalist party tied to a single charismatic leader [Perón]" and "the authoritarian roots of the party still emerge periodically" (2009: 769).

The Peronists'1989-1995 president was Carlos Saúl Menem, a flamboyant former governor who had united distinct old-guard Peronist groups (Levitsky, 2003: 170). Almost immediately after his election, Menem reversed his campaign promises and implemented market reform —via constitutionally dubious actions—. But, by the early 1990s, economic growth was strong and Menem was popular; he wanted the removal of the ban against immediate re-election of the president.

In 1993, Menem and Alfonsín negotiated an electoral-reform package, approved in a 1994 constituent assembly. Menem achieved his key goal: permission for one consecutive presidential re-election. In return, Alfonsín achieved direct election of the president and the reduction of the president's term from six to four years. Also, as of 2001, senators were to be directly elected for six years (with one-third of the senators renewed every two years), rather than indirectly elected by provincial legislators for nine years.

In addition, runoff with a reduced threshold was adopted. Although plurality had not been problematic in either the 1983 or 1989 elections, the number of political parties was increasing (2.23 in the 1983 election versus 2.79 in the 1989 election), galvanizing concerns in numerous quarters about presidential legitimacy. The reduced threshold was a compromise between the Peronist and Radical parties. As the predominant party with the strongest political base, the Peronists wanted to retain plurality; as the second leading party but prone to division, the Radicals preferred majority runoff (Negretto, 2013: 158-161; Novaro, 2004: 38). Said Sergio Berensztein in 2015: "the threshold was established to fit the requisites of Peronism"[3].

4. The Advantages of Runoff: Legitimacy Advantages in Argentina's 2003 and 2015 Elections

Since the 1994 electoral reform, two elections have gone to a runoff —the 2003 and 2015 contests—. In both, the first-round runner-up ultimately prevailed, giving victory to the candidate with greater popular support and providing a legitimacy advantage. In particular, in the 2003 elections, victory for the first-round winner would have been very problematic for democracy.

[3] Sergio Berensztein, Professor, University Torcuato de Tella, Argentina, at the 19th Annual CAF Conference (Corporación Andino de Fomento and the Inter-American Dialogue), Washington D.C., September 9, 2015.

In Argentina's 2003 election, Menem won the first round with only 24.5% of the vote; by this time, Menem was anathema to most Argentines (Jeter, 2003; Rohter, 2003). Menem's economic policies were considered complicit in Argentina's 2001-2002 financial collapse and, in 2001, he had been arrested on charges of arms trafficking. But Menem was bent on re-election. Not surprisingly in this context, the Peronists divided into factions. Menem led the rightist faction; Néstor Kirchner led a second major faction, the Frente para la Victoria (Front for Victory), which promised a renovation of Peronism and a tough line in negotiations with the International Monetary Fund.

Kirchner was the first-round runner-up with 22%; he was forecast to win the runoff by forty points (Levitsky and Murillo, 2005: 41). Hoping to avoid a humiliating defeat, Menem ceded victory to Kirchner less than a week before the runoff. A Menem presidency would have been wracked by a very serious legitimacy deficit.

In the 2015 election, the legitimacy deficit that the first-round winner would have suffered would not have been as serious, but it was yet likely to have mattered. By 2015, a Kirchner had governed Argentina for twelve years. During the second term of Néstor's spouse, Cristina Fernández de Kirchner (also the candidate of the Front for Victory faction of the JP), economic growth sputtered, crime rose, and questions about political abuses intensified (Lupu, 2016: 47). In 2014, Fernández de Kirchner was suspected of complicity in the death of a prosecutor, Alberto Nisman. In this context, it is not surprising that the 2015 Front for Victory candidate, Daniel Scioli, tallied only 37% of the vote in the first round.

Still, Scioli's 37% was enough for him to be the first-round winner; the opposition had divided. The runner-up with 31% was the center-right mayor of Buenos Aires, Mauricio Macri, running for the coalition Cambiemos (Let's Change), which included Macri's own party and the UCR; Macri promised "change" —market reforms and honest democratic governance—. In third place was a dissident Peronist, Sergio Massa. In the runoff, Macri was able to gain most of the other parties' votes to edge out Scioli by three points.

5. Did the Reduced Threshold Void Runoffs that Would Have Been Advantageous for Presidential Legitimacy?

On the one hand, Argentina's reduced threshold voided runoffs that would have been widely deemed unnecessary in two elections —the 2007

election (won by Cristina Fernández de Kirchner with 45%) and the 2019 election (won by Alberto Fernández with 48%)—. On the other hand, the reduced threshold voided a runoff that would have been very advantageous in the 1999 elections. Due to division among the Peronists, Fernando De la Rúa won the first round, but without a majority; he suffered a severe legitimacy deficit (Novaro, 2004: 53). The president's legitimacy deficit was likely to have been one factor in the 2001 resignation of the president amid financial collapse and massive protests.

De la Rúa was the candidate of the Alianza por el Trabajo, la Educación, y la Justicia (the Alliance for Work, Education and Justice). The Alliance was a coalition between the UCR and the Frente para un País Solidario (Front for a Solidary Country, FREPASO), a party trying to be more democratic than the Peronists and more socially sensitive than the Radicals, which had fared well in Argentina's 1995 elections. Although an experienced Radical leader and the mayor of Buenos Aires, De la Rúa was widely considered a "political lightweight" (The Economist, 2000). De la Rúa was far to the right within the UCR and even further to the right within the Alliance as a whole (Novaro, 2004: 51). He tended to be dismissive of FREPASO (Jones and Hwang, 2005: 132). He was nominated as the Alliance's candidate through an open primary, which favored the UCR because its grassroots networks were much stronger than FREPASO's.

While De la Rúa tallied 48% in the first round, it was doubtful that he would have prevailed in a runoff. The Peronists were divided between a leftist critic of Menem, Governor Eduardo Duhalde, with 39%, and a rightist supporter of Menem, his former finance minister, Domingo Cavallo, with 10%. Probably, in a runoff, Duhalde would have been endorsed by his fellow Peronist and would have won most of Cavallo's votes (LAWR September 7 1999, p. 409; Negretto, 2004: 118).

Within two years, Argentina was in turmoil. Economic storm clouds hit with devastating force. De la Rúa was poorly positioned to cope. He remained dismissive of FREPASO; for example, among his first ten key cabinet officials, there were only two FREPASO members (LARR December 21, 1999, p. 2). Allegedly, in October 2000, the De la Rúa government bribed eleven senators for their votes for a labor reform bill; then, it resisted an investigation. The FREPASO vice-president, former legislator Carlos Álvarez, resigned; an ex-Peronist who was considered smart and dynamic (LARR December 22, 1998, p. 2), Álvarez might have been an effective advocate for de la Rúa if the Alliance had held.

De la Rúa resigned in December 2001; his resignation "made the party seem unable or unwilling to govern" and was likely to have been

"the final blow to Radicalism as a competitive political party" (Anderson, 2009: 774). After several interim presidents, the 1999 runner-up, Eduardo Duhalde, a leftist critic of Menem, was chosen president by Argentina's two legislative houses in January 2002. Argentina's scores in democracy indices plummeted.

6. Did The Reduced Threshold Raise Barriers to Entry Too High? Or Not?

There is scholarly consensus that Argentina's reduced threshold raised barriers to entry, favoring its predominant party, the Peronists (Novaro, 2004: 50-53; Mustapic, 2002: 169). In a context of the Peronists' political base of about 40%, the party could usually win if the opposition were not united. Further, a new party that fared well in a first round was not able to gain a greater voice through a runoff. In good part as a result, the Peronists are one of the few Latin American political parties competitive in presidential elections some forty years ago (as of 1978 or the year of the country's return to democracy) that remained competitive in the country's most recent election (the only other countries are Costa Rica, also with a reduced threshold, and Uruguay). In general, in contrast to many Latin American countries in recent years, the effective number of political parties in Argentina has remained low —an approximate 3.0 average over the 2015 and 2019 elections[4]—.

What is not so clear is whether or not the costs of favoring a party with authoritarian proclivities outweigh the benefits of reduced party-system fragmentation. Additional analysis, including additional time and additional countries, will be necessary to make this assessment.

Unfortunately also, the answer to the question depends in part on a counter-factual: Would Argentina's democracy have fared better if any of the promising new parties had been able to become competitive?

Arguably, a political space was available in Argentina for a "social democratic" party —a party that was ideologically to the left of the UCR but committed to democratic principles—. With some promise to fill this space was the Frente para un País Solidario (Front for Solidary Country, FREPASO) (Torre, 2005: 170). Competing for the first time in the 1995 election, it surpassed expectations to eclipse the Radical Party. FREPASO was built by both dissident Peronists, dismayed by the Menem govern-

[4] Author's calculation.

ment, and dissident Radicals, dismayed by the leadership of Alfonsín. FREPASO ran "a campaign with a strong moral and institutional slant" (Torre, 2005: 170). FREPASO's candidate, dissident Peronist and Senator José Octavio Bordón, was an appealing candidate and he rose rapidly in the polls. Untainted by corruption, Bordón emphasized honesty, efficiency, and democracy —and also social sensitivity (LAWR April 13, 1995, p. 158; LARR June 1, 1995, p. 3)—.

The first round of the 1995 election was won by Menem with 49.9% —of course, only a tiny margin from a majority—. The runner-up with 29% was FREPASO's Bordón. The Radicals' Horacio Massaccesi was third with 17%.

Despite Menem's just-shy-of-a-majority tally, if the election had gone to a runoff, a Peronist victory was likely but not certain. By 1995, Menem's presidency was widely criticized. Menem's abrupt shift to the right, welcoming foreign capital, had alienated many Peronist leaders (Levitsky, 2003: 173). Economic growth was slowing, unemployment was at record levels, and the trade deficit was large. Concern about corruption was widespread. There was "a potential majority against [Menem]" (LAWR April 13, 1995, p. 158). Bordón would have secured most of the Radical vote. Indeed, Menem was "unsettled" about this possibility; when Bordón took the lead in pre-election opinion polls from the Radical candidate, Menem claimed that the polls were wrong (LAWR April 20, 1995, p. 178).

While the 1995 election showed that there was political space in Argentina for a social-democratic left and that Bordón had a good chance to win in 1999 (Mustapic, 2002: 169)[5], it also appeared to show that, if the Peronists were not to win 40% with a 10-point lead, an alliance between the Radical Party and FREPASO would be necessary (Novaro, 2004: 47-48). In the event, this was not the case, but it was the conventional wisdom at the time.

Bordón was not eager for an alliance with the Radical Party (Leiras, 2007: 140-142). It was very unlikely that the Radicals would cede the top spot on the 1999 ticket to FREPASO (The Economist, 1997).

A year or two after the 1995 election, Bordón left FREPASO to return to the Peronist fold. Not only was Bordón wary of an alliance with the Radical Party, but in 1996 he quarreled with FREPASO leader Graciela Fernández Meijide about the party's candidate for mayor of Buenos Aires. Also, with the imminent end to Menem's presidency, changes

[5] Author's interview, Paula Alonso, Professor of History, George Washington University, January 13, 2014, in Washington D.C.

in the Peronist party were again likely. Bordón's departure was "a hard blow" to FREPASO (Novaro, 2010: 264). As indicated above, for the 1999 election, FREPASO did enter an alliance with the Radicals, which quickly broke down.

Menem's second term was problematic. Serious corruption scandals erupted and economic storm clouds gathered. These challenges were believed to have been complicated by concerns about Menem's possible lack of majority support (Novaro, 2004: 55).

A second new party that might have been able occupy the space for a social-democratic party in Argentina was Coalición Cívica (Civic Coalition); its candidate, Elisa Carrió, was the runner-up with 23% in the 2007 election won by Cristina Fernández de Kirchner. Carrió was a former beauty queen, multi-term Radical legislator, and anti-corruption and human-rights advocate; she had placed fifth in 2003.

It was virtually certain that Carrió would have lost a runoff. Her executive experience was limited. The third-place and fourth-place candidates were both Peronists who would probably have supported Fernández de Kirchner. Still, with a runoff, political space would have been opened. Opinion polls had under-estimated the support for the opposition; with the presumption of victory, Fernández de Kirchner travelled outside the country and eschewed debates (LAWR October 25, 2007, p. 6). After Carrió's first-round performance, she would have catalyzed discussion.

7. Argentina's Experience in Comparative Perspective

Did runoff with a reduced threshold also reduce party fragmentation in Costa Rica and Ecuador but put presidential legitimacy at a certain degree of risk, favoring a longstanding party with authoritarian proclivities? Although this pattern for Argentina is not refuted by the patterns in Costa Rica or Ecuador, it is not fully confirmed, either; in particular, neither Costa Rica nor Ecuador hosted a long-standing party with authoritarian proclivities resembling Argentina's Peronist party. Further, almost throughout Latin America, the number of candidates competing in the most recent presidential election has skyrocketed; this trend highlights the advantages of Argentina's P.A.S.O. (Primarias Abiertas Simultáneas y Obligatorias), adopted in 2009, which allows only candidates who tally more than 1.5 percent of the vote to proceed to the first round. Over the last fifty-odd years, levels of democracy in neither Costa Rica nor Ecuador have dramatically changed; Costa Rica has long been one of Latin

America's democratic stars and remains so, whereas Ecuador has long been in the middling range and remains so.

Costa Rica adopted runoff with a reduced threshold at a very early date —in 1936— and the reasons for its adoption are not entirely clear; the rule replaced not majority runoff but election by Costa Rica's legislature rather than by direct popular vote (Lehoucq, 2004: 140-142). Importantly, Costa Rica's rule does not require a lead (i.e., as in Argentina, in the case of a 40 percent tally in the first round, a ten-point advantage over the runner-up).

Overall, scholars have been enthusiastic about Costa Rica's runoff with a reduced threshold (Lehoucq, 2004: 133). However, the rule did not come into play until the twenty-first century; from the 1970s through the 1990s, there were only two major parties, the Partido Liberación Nacional (National Liberation Party) and the Partido Unidad Social Cristiano (Social Christian Unity Party), and not one election went to a runoff. Although some scholars worried that the reduced threshold enabled power-sharing by the two parties, other scholars did not; in any case, in 2002, the Partido Acción Ciudadana (Citizen Action Party) emerged and, in 2014 and 2018, won the presidency. The effective number of parties in Costa Rica remained below the average for Latin American countries with runoff (McClintock, 2018: 179)[6].

However, there are concerns about Costa Rica's rule. In particular, in the 1998 and 2006 elections, the winner tallied more than 40 percent of the vote but with leads of less than 2 percent; the results of a runoff would have been uncertain and presidential legitimacy was weakened slightly (McClintock, 2018: 178). Also, as in many countries, in Costa Rica's most recent presidential election in 2022, party fragmentation escalated. In the first round of the election, no less than twenty-five candidates competed. Nineteen of these candidates tallied less than 1.5 percent of the vote and, if this first round had been held under the rules of Argentina's P.A.S.O., would have been eliminated. The first-round winner and runner-up tallied only 27 percent and 17 percent respectively —worrisomely low percentages—.

In contrast to Costa Rica, a large number of parties was the rule in Ecuador prior to the adoption of runoff and majority runoff was adopted in 1978 to mitigate the concomitant problem of presidential legitimacy deficits. However, the number of parties increased further and concerns mounted; the 40 percent threshold with a 10-point lead was adopted in

[6] Author's calculation.

1998 and first applied in 2002 with the hope of reducing party fragmentation (Negretto, 2013: 202-208). And, indeed, between 2006 and 2013, the number of parties declined dramatically; however, the decline coincided with the popularity of President Rafael Correa and a concentration of power in the presidency (McClintock, 2018: 172-174). As Correa's popularity waned, the current region-wide tendency towards party fragmentation was evident in Ecuador's 2021 election: sixteen candidates competed in the first round, with twelve tallying less than 1.5 percent of the vote and the winner and runner-up tallying only 33 percent and 20 percent respectively.

8. Conclusion

Argentina's runoff rule was valuable for the country's democracy. In particular, the rule prevented the election of a president with a serious legitimacy deficit in 2003; the re-election of Menem with a scant 24.5% in the first round would have been calamitous.

However, upon the evidence available to date, the effects of Argentina's reduced threshold have been mixed. Although the reduced threshold constrained party-system fragmentation, it raised barriers to entry very high, requiring opposition unity for the defeat of the Peronist presidential candidate and impeding the emergence of a party more democratic than the Peronists and more socially sensitive than the Radicals. Further, the reduced threshold voided a runoff that would have been advantageous for presidential legitimacy in 1999.

While further research is necessary, Argentina's experience suggests that a reduced threshold is problematic in countries where a party with authoritarian proclivities is strong. Arguably, there are superior strategies for the prevention of party-system fragmentation, including: 1) scheduling legislative elections concomitantly with the presidential runoff (as in France) and 2) requiring larger shares of the legislative vote for securing a legislative seat. In addition, Argentina's own P.A.S.O. rule, eliminating presidential candidates with less than 1.5 percent of the P.A.S.O. vote from the first round, is valuable.

Bibliography

Anderson, L. (2009). The Problem of Single-Party Predominance in an Unconsolidated Democracy: The Example of Argentina. *Perspectives on Politics* 7(4):767-84.

Colomer, J. (2004). "The Americas: General Overview." In Josep Colomer (ed.), *Handbook of Electoral System Choice* (pp. 81-109). New York: Palgrave Macmillan.

Gorokhovskaia, Y., Shabaz A. and Slipowitz, A. (2023). The Freedom House Survey for 2022: A Turning Point for Global Freedom? *Journal of Democracy*, 34(2), 105-119.

Jeter, J. (2003). "Menem May Quit Race in Argentina". *The Washington Post*, 14 May 2003. Available in: https://www.washingtonpost.com/archive/politics/2003/05/14/menem-may-quit-race-in-argentina/f7cdc2d1-321d-4778-b0de-decf9f01a7fa/.

Jones, M. (1995). *Electoral Laws and the Survival of Presidential Democracies*. Notre Dame: University of Notre Dame Press.

Jones, M. (1999). Electoral Laws and the Effective Number of Candidates in Presidential Elections. *The Journal of Politics*, 61(1), 171-84.

Jones, M. and Hwang, W. (2005). "Provincial Party Bosses: Keystone of the Argentine Congress". In Steven Levitsky and María Victoria Murillo (eds.), *Argentine Democracy: The Politics of Institutional Weakness* (pp. 115-138). University Park: Pennsylvania State University Press.

Laakso, M. and Taagepera, R. (1979). Effective Number of Parties: A Measure with Application to West Europe. *Comparative Political Studies* 12(1), 3-27.

Lehoucq, F. (2004). "Costa Rica: Modifying Majoritarianism with 40 per cent Threshold." In Josep Colomer (ed.), *Handbook of Electoral System Choice* (pp. 133-144). New York: Palgrave Macmillan.

Leiras, M. (2007). *Todos los caballos del rey: La integración de los partidos políticos y el gobierno democrático de la Argentina, 1995-2003*. Buenos Aires: Prometeo Libros.

Levitsky, S. (2003). *Transforming Labor-Based Parties in Latin America: Argentine Peronism in Comparative Perspective*. New York: Cambridge University Press

Levitsky, S. (2005). "Argentina: Democratic Survival". In Frances Hagopian and Scott P. Mainwaring (eds.), *The Third Wave of Democratization in Latin America: Advances and Setbacks* (pp. 63-89). New York: Cambridge University Press.

Levitsky, S. and Murillo, M. V. (2005). "Building Castles in the Sand? The Politics of Institutional Weakness in Argentina". In Steven Levitsky and María Victoria Murillo (eds.), *Argentine Democracy: The Politics of Institutional Weakness* (pp. 21-44). University Park: Pennsylvania State University Press.

Linz, J. (1994). "Presidential or Parliamentary Democracy: Does It Make a Difference?" In Juan Linz and Arturo Valenzuela (eds.), *The Failure of Presidential Democracy* (pp. 3-89). Baltimore: Johns Hopkins University Press.

López-Maya, M. and Lander, L. (2008). "Venezuela: las elecciones presidenciales del 2006: ¿Hacia el socialismo del siglo XXI?". In Manuel Alcántara Sáez and Fátima García Díez (eds.), *Elecciones y Política en América Latina* (pp. 329-352). México: Instituto Electoral de Estado de México.

Lupu, N. (2016). "Mass-Elite Congruence and Representation in Argentina". In Alfredo Joignant, Maurcio Morales, and Claudio Fuentes (eds.), *Malaise in Representation in Latin American Countries: Chile, Argentina, Uruguay* (pp. 281-302). New York: Palgrave Macmillan.

Mainwaring, Scott P., and Aníbal Pérez-Liñán. 2013. *Democracies and Dictatorships in Latin America: Emergence, Survival, and Fall*. New York: Cambridge University Press.

Mainwaring, S. and Shugart, M.(1997a). *Presidentialism and Democracy in Latin America*. New York: Cambridge University Press.

Mainwaring, S. and Shugart, M. (1997b). Juan Linz, Presidentialism and Democracy: A Critical Appraisal. *Comparative Politics*, 29(4), 449-472.

Martínez, Rafael. (2004). *DV: La Elección Presidencial Mediante Doble Vuelta en Latinoamérica*. Barcelona: Institut de Ciencies Politiques I Socials.

McClintock, C. (2018). *Electoral Rules and Democracy in Latin America*. New York: Oxford University Press.

McGuire, J. (1995). "Political Parties and Democracy in Argentina." In Scott Mainwaring and Timothy Scully (eds.), *Building Democratic Institutions: Party Systems in Latin America* (pp. 200-246). Stanford: Stanford University Press.

Mustapic, A. (2002). Argentina: La Crisis de Representación y los Partidos Políticos. *América Latina Hoy*, 32, 163-83.

Negretto, G. (2004). "Argentina: Compromising on a Qualified Plurality System". In Josep M. Colomer (ed.), *Handbook of Electoral System Choice* (pp. 110-120). New York: Palgrave Macmillan.

Negretto, G. (2013). *Making Constitutions: Presidents, Parties, and Institutional Choice in Latin America*. New York: Cambridge University Press.

Norris, P. (2004). *Electoral Engineering: Voting Rules and Political Behavior*. New York: Cambridge University Press.

Novaro, M. (2004). "Argentina" In Rafael Martínez (ed.), *Doble Vuelta: La Elección Presidencial Mediante Doble Vuelta en Latinoamérica* (pp. 25-58). Barcelona: Institut de Ciències Polítiques I Sociales.

Payne, M., Zovatto D. and Mateo Díaz, M. (2007). *Democracies in Development: Politics and Reform in Latin America*. Washington: Inter-American Development Bank.

Pérez-Liñán, A. (20069. Evaluating Presidential Runoff Elections. *Electoral Studies* 25(1), 129-46.

Pérez-Liñán, A. and Mainwaring, S. (2013). Regime Legacies and Levels of Democracy: Evidence from Latin America. *Comparative Politics* 45(4), 379-97.

Riker, W. (1992). "The Entry of Game Theory into Political Science". In Eliot Roy Weintraub, *Toward a History of Game Theory* (pp. 207-224). Durham: Duke University Press.

Rock, D. (1985). *Argentina 1516-1982: From Spanish Colonization to the Falklands War.* Berkeley: University of California Press.

Rohter, L. (2003). "Menem, Polls Slipping, Quits Argentine Race" *The New York Times*, 15 May 2003, Available in: https://www.nytimes.com/2003/05/15/world/menem-polls-slipping-quits-argentine-race.html.

Shugart, M. and Carey, J. (1992). *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. New York: Cambridge University Press.

Snow, P. and Manzetti, L. (1993). *Political Forces in Argentina*. Westport: Praeger.

Tanaka, M. (2005). *Democracia sin partidos: Perú, 2000-2005. Los Problemas de Representación y las Propuestas de Reforma*. Lima: Instituto de Estudios Peruanos.

Torre, J. C. (2005). "Citizens Versus Political Class: The Crisis of Partisan Representation." In Steven Levitsky and María Victoria Murillo (eds.), *Argentine Democracy: The Politics of Institutional Weakness* (pp. 165-180). University Park: The Pennsylvania State University Press.

The Economist (1997, October 30th). A good day for Argentine democracy. *The Economist*. Available in: https://www.economist.com/the-americas/1997/10/30/a-good-day-for-argentine-democracy

The Economist (2000, February 17th). De La Rua's surprise for Argentina. *The Economist*. Available in: https://www.economist.com/the-americas/2000/02/17/de-la-ruas-surprise-for-argentina

The Economist (2015, October 15th). The Persistence of Peronism. *The Guardian*. Available in: https://www.economist.com/the-americas/2015/10/15/the-persistence-of-peronism

Valenzuela, A. (1993). Latin America: Presidentialism in Crisis. *Journal of Democracy*,4(4):7-9.

Van de Walle, Nicholas. 2006. "Tipping Games: When Do Opposition Parties Coalesce?" In Andreas Schedler (ed.), *Electoral Authoritarianism: The Dynamics of Unfair Competition*" (pp. 77-94). Boulder: Lynne Rienner Publishers.

V-Dem Institute. 2023. *Democracy Report 2023: Defiance In the Face of Autocratization*. Gothenburg: Sweden.

Wynia, G. (1986). *Argentina: Illusions and Realities.* New York: Holmes and Meier.